DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 8-16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see Remarks, filed 6/1/2011, with respect to the rejection(s) of claim(s) 1, 3, 8-16 under Kawataba et al (US 6,317,560) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nishimoto (US 2004/0242263), Kitsugi (Us 2002/0057353), Kawasaki (US 2002/0064383), and Maitani (US 4,272,176).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto (US 2004/0242263) in view of Kitsugi (US 2002/0057353).

Regarding **claim 1**, Nishimoto discloses:

A digital camera (figs. 5a, 5b) comprising:

a photosensitive region (ccd of camera 508) for recording an optical image (Nishimoto, par [0004]);

a controllable shutter (shutter) for exposing the photosensitive region (exposing the ccd) and for simulating an actual image acquisition (shutter sound) without actually acquiring the image or exposing the photosensitive region (Nishimoto, par [0004-0007], wherein shutter sound roughly simulates image capturing); and

a timer (an internal timer in self-timer mode), the timer providing a selected time delay (inherent time delay) between two or more acquisition simulated optical image acquisitions (sounds at various time intervals) and an actual image acquisition (final image capture) (Nishimoto, par [0006], wherein sounds at varying time intervals simulates image capturing), wherein the simulation (sounds at various time intervals) simulates the actual image acquisition (final image capture) without actually acquiring the image to get the attention of a subject being captured in the image (sounds let the subject know when the shutter will be released) and the actual image acquisition (final image capture) captures the image immediately following the simulation (immediately after the time of the internal timer), wherein simulated image acquisition is accompanied by sounds (sounds indicating shutter release), (Nishimoto, par [0004-0007], wherein sound is used to indicate shutter release).

However, Nishimoto does not disclose:

sounds of typical shutter operation.

On the other hand, Kitsugi discloses

sound of typical shutter operation (simulated shutter sound), (Kitsugi, claims 5, 10, and 15, wherein shutter sound is simulated).

Therefore, it would have been obvious to a person of ordinary skills in the art at the time the invention was made to implement the simulated shutter sound by Kitsugi into the camera by Nishimoto so as to obtain sounds of typical shutter operation because such implementation draws attention of a captured subject in the self-timer mode.

Regarding **claim 8**, same ground of rejection as in claim 1 is applied.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto (US 2004/0242263) in view of Kitsugi (US 2002/0057353) in view of Kawasaki (US 2002/0064383 to Kawasaki).

Regarding **claim 3**, Nishimoto and Kitsugi do not disclose:

a flash mechanism, the flash mechanism receiving a low-power activation during the simulated image acquisition.

On the other hand, Kawasaki discloses:

a flash mechanism (flash circuit 14 and flashtube 21), the flash mechanism receiving a low-power activation (activation with reduced power for pre-flash) during the simulated image acquisition (pre-flash emission), (Kawasaki, fig. 1 par [0181], wherein the flash is activated in low-power-consumption mode).

Therefore, it would have been obvious to a person of ordinary skills in the art at the time the invention was made to incorporate the flash mechanism by Kawasaki into the camera by Nishimoto and Kitsugi so as to obtain a flash mechanism, the flash mechanism receiving a low-power activation during the

simulated image acquisition because such incorporation saves camera power and attains correct exposure (Kawasaki, par [0006]).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto (US 2004/0242263) in view of Kitsugi (US 2002/0057353) in view of Maitani (US 4,272,176 to Maitani et al).

Regarding **claim 9**, Nishimoto further discloses:

simulating the acquisition of an image of the subject includes providing the sights or sounds (LED or sounds at various time intervals) associated with the acquisition of an image of the subject by the digital camera.

However, Nishimoto and Kitsugi do not disclose:

sights and sounds.

On the other hand, Maitani discloses:

sights and sounds (Maitani, column 3 lines 5-19, wherein imminent sounds and imminent lights are indicated during self-timer).

Therefore, it would have been obvious to a person of ordinary skills in the art at the time the invention was made to incorporate the sights and sounds by Maitani into the camera by Nishimoto and Kitsugi so as to simulate the acquisition of an image of the subject includes providing the sights and sounds associated with the acquisition of an image of the subject by the digital camera because such incorporation acoustically and visually draws attention of a captured subject.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto (US 2004/0242263) in view of Kitsugi (US 2002/0057353) in view of Chatani et al (U.S. Pub. 2004/0075743 A1).

Regarding **claim 10,** Nishimoto and Kitsugi do not disclose:

providing a program associated with a processing unit for identifying the predetermined features of the acquired image of the subject;

acquiring a series of images and applying the images to the processing unit; and

analyzing the images using the program.

On the other hand, Chatani et al discloses

providing a program associated with a processing unit (306) for identifying the predetermined features of the acquired image of the subject (see Chatani et al, Fig. 3, paragraph [0012], wherein a computer program obtains image selection parameters);

acquiring a series of images and applying the images to the processing unit (see Chatani et al, paragraph [0011], wherein the imaging device is capable of capturing image data for a plurality of digital images); and

analyzing the images using the program, (see Chatani et al, Fig. 8 step 808, wherein subset of images with specified parameters is generated).

Therefore, it would have been obvious to an artisan to combine image analysis by using the program as disclosed by Chatani et al with the method as disclosed by Nishimoto and Kitsugi in order to analyze a series of images because such combination provides automatic selection of digital photographs

based on user provided criteria and allows user to preview images under various conditions, (Chatani et al, paragraph [0009]).

As for **claim 11**, Chatani et al further discloses:

an acquired image, in which the predetermined feature is identified, is stored, (see Chatani et al, Fig. 4, wherein image in the buffer 410 is stored in memory 412).

As for **claim 12**, Chatani et al further discloses:

the acquiring of a series images is provided in response to signals from a timing unit (see Chatani et al, paragraphs [0007] and [0011], wherein multiple images are capture in high rate photography).

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto (US 2004/0242263) in view of Kitsugi (US 2002/0057353) in view of Koenig (US 5,555,071 Koenig et al).

Regarding **claim 13**, Nishimoto and Kitsugi do not discloses:

a first mode of operation, the digital camera in the first mode of operation acquiring an image of the subject in response to user input; and

a second mode of operation, the digital camera simulating acquiring an image of the subject in response to user input in the second mode of operation, the digital camera acquiring an image at a preselected time after the simulating acquiring an image.

On the other hand, Koenig discloses:

a first mode of operation (without the self-timer circuit), the digital camera in the first mode of operation acquiring an image of the subject in response to

user input (Koenig, column 2 lines 25-31, wherein self-timer circuit is not used); and

a second mode of operation (with the self-timer circuit), the digital camera simulating acquiring an image of the subject (flashes of LED 18) in response to user input in the second mode of operation, the digital camera acquiring an image at a preselected time (10 seconds) after the simulating acquiring an image (Koenig, column 3 lines 15-30, wherein delay of 10 seconds during which LED 18 flashes is applied before an image is captured).

Therefore, it would have been obvious to a person of ordinary skills in the art to implement the first and second modes of operation by Koenig into the camera by Nishimoto and Kitsugi so as to obtain a digital camera with first and second modes of operation because such implementation avoids pictures of a poor subject composition, assures scene illumination (Koenig, column 1 lines 50-55).

Regarding **claim 14**, Nishimoto and Kitsugi do not discloses:

a first mode of operation, the digital camera acquiring an image of the subject in response to user input in the first mode of operation; and

a second mode of operation, the digital camera selecting for acquisition an image of the subject having predetermined features.

On the other hand, Koenig discloses:

a first mode of operation (without the self-timer circuit), the digital camera acquiring an image of the subject in response to user input in the first mode of

operation (Koenig, column 2 lines 25-31, wherein self-timer circuit is not used); and

a second mode of operation (with the self-timer circuit), the digital camera selecting for acquisition an image of the subject having predetermined features (Koenig, column 3 lines 15-30, wherein delay of 10 seconds during which LED 18 flashes is applied before an image with predetermined features is captured).

Therefore, it would have been obvious to a person of ordinary skills in the art to implement the first and second modes of operation by Koenig into the camera by Nishimoto and Kitsugi so as to obtain a digital camera with first and second modes of operation because such implementation avoids pictures of a poor subject composition, assures scene illumination (Koenig, column 1 lines 50-55).

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto (US 2004/0242263) in view of Kitsugi (US 2002/0057353) in view of Koenig (US 5,555,071 Koenig et al) in view of Chatani et al (U.S. Pub. 2004/0075743 A1).

Regarding **claim 15**, Nishimoto, Kitsugi, and Koenig do not disclose:

the predetermined features are determined by a pattern recognition program.

On the other hand, Chatani discloses

the predetermined features are determined by a pattern recognition program (see Chatani et al, paragraphs [0011] and [0012], wherein image selection parameters are entered).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine image capture with specified parameter as described by Chatani et al with the digital camera as described by Nishimoto, Kitsugi, and Koenig such that the predetermined features are determined by a pattern recognition program because such combination saves time to search through a whole image database for a certain image.

Regarding **claim 16**, Nishimoto, Kitsugi, and Koenig do not disclose:

the predetermined features are facial expression.

On the other hand, Chatani discloses:

the predetermined features are facial expression (see Chatani et al, paragraph [0053], wherein semantic parameters include closed eyes, crossed eye).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine image capture with semantic parameters as described by Chatani et al with the digital camera as described by Nishimoto, Kitsugi, and Koenig such that the predetermined features are facial expression because such combination saves time to search through a whole image database for a certain image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN LE whose telephone number is (571)270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan H Le/
Examiner, Art Unit 2622

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